

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WALTER WM. BOYD, SR.)	
)	Civil Action No. 06 -
)	148J
Plaintiff,)	
)	Chief Judge Donetta W.
v.)	Ambrose /
)	Magistrate Judge Lisa
RICK HOOVER, Counselor; DAN)	Pupo Lenihan
STRUM, M.S. Psychological;)	
CHRIS DANISON, Unit Manager,)	Doc. No. 1
)	
Defendants.		

MEMORANDUM ORDER

The above captioned case was initiated on July 7, 2006 by Plaintiff filing a Motion to Proceed *In Forma Pauperis* (doc. no. 1) accompanied by a Complaint. It was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 11), filed on January 29, 2007, respectfully recommended that the Court's Order granting Plaintiff's Motion to Proceed *In Forma Pauperis* (doc. no. 2) be vacated, all monies paid by Plaintiff to the clerk of court in this action be returned to Plaintiff, that Plaintiff's motion to proceed in forma pauperis (doc. no. 1) be denied in accordance with 28 U.S.C. 1915(g) and that this action be dismissed for Plaintiff's failure to pay the filing fee, with the

right of Plaintiff to reopen by paying the full filing fee within sixty (60) days. Plaintiff was served at SCI Cresson and was advised they he was allowed ten (10) days from the date of service to file written objections. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 5th day of March, 2007;

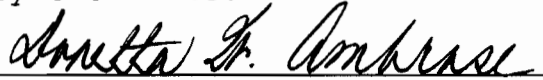
IT IS HEREBY ORDERED that the Court's Order granting Plaintiff's Motion to Proceed *In Forma Pauperis* (doc. no. 2) is **VACATED**. The Clerk of Court is directed to return to Plaintiff any monies received and the Prison Accounting Office is directed to **STOP** deducting any monies from Plaintiff's account for this action.

IT IS FURTHER ORDERED that Plaintiff's Motion to Proceed *In Forma Pauperis* (doc. no. 1) is **DENIED** in accordance with 28 U.S.C. 1915(g) and this action is **DISMISSED** without prejudice to Plaintiff's right to reopen by paying the full filing fee within sixty (60) days.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 11) of Magistrate Judge Lenihan, dated January 29, 2007, is adopted as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this Case as **CLOSED**.

By the Court:

A handwritten signature in black ink, appearing to read "Donetta W. Ambrose", is written over a horizontal line.

Donetta W. Ambrose
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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